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Protection and assistance to unaccompanied and separated refugee children

Report of the Secretary-General**

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* A/56/150.

** A special endeavour has been made to obtain information that is as up-to-date as possible from our field offices and partners, which could not respond immediately owing to competing priorities.

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I. Introduction

1. On 17 December 1999, the General Assembly adopted resolution 54/145, in which it noted the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other organizations to protect and assist unaccompanied and separated refugee children. It recalled that these refugees are among the most vulnerable and are the most at risk of neglect, violence, forced military recruitment, sexual assault and other abuses.

2. The present report includes information on actions taken by the United Nations and other organizations in compliance with resolution 54/145.

II. Background

3. "Unaccompanied children" (also called "unaccompanied minors") are children under 18 years of age who have been separated from both parents and are not being cared for by an adult who, by law or custom, is responsible for doing so. However, experience, notably in the Great Lakes region of Africa, has highlighted that even in emergency situations, not all children are found to be unaccompanied as defined above, even though many have been separated from their previous legal or customary caregiver. Such children, although living with extended family members, may face risks similar to those encountered by unaccompanied refugee children. Consequently, the term "separated child" is now widely used to draw attention to the potential protection needs of this group. "Separated children" are thus defined as children under 18 years of age who are separated from both parents or from their previous legal or customary primary caregiver.

4. To ensure that all such children are entitled to international protection under a broad range of international and regional instruments and that they benefit from efforts to trace and reunify them with their previous primary caregivers, UNHCR, together with the United Nations Children's Fund (UNICEF), the International Committee of the Red Cross (ICRC), the International Save the Children Alliance and other agencies involved, adopted the broader term of "separated child" as the basis for such action. It sought and obtained support for global acceptance of this broadened principle in order to highlight the possible protection needs of separated children, including adolescents.

5. Unaccompanied and separated children are entitled to international protection under international human rights law, international refugee law, international humanitarian law and various regional instruments.

6. The risk of children being separated from their families and caregivers increases in the turmoil of conflict and flight. In the past year, there have been notable examples in the Horn of Africa, Central and West Africa. Separation increases the risks faced by internally displaced, refugee and other war-affected children. Such risks include military recruitment, exploitation, abuse and even death. The past decade has seen a dramatic increase in the number of persons who are internally displaced or directly affected by warfare, but who do not cross international borders and therefore do not benefit from the protection extended under international refugee law. Many of them are children who have become separated from their families or whose parents have lost their lives in conflict.

7. The aim of UNHCR, UNICEF and other organizations working on the ground is, where possible, to prevent separations, identify children who have become separated from their families, ensure that such children receive the protection and assistance they need and reunify them with their families in a timely manner.

III. New developments

8. This section covers a number of new developments related to the implementation of resolution 54/145. Cooperation with other United Nation agencies, intergovernmental and non-governmental organizations (NGOs) and, in some cases, with governmental counterparts has played an important role in addressing the protection and assistance needs of unaccompanied and separated children since 2000.

A. Family tracing and reunification

9. Together with UNICEF, ICRC and specialized NGOs such as the International Rescue Committee

(IRC) and the International Save the Children Alliance, UNHCR has been involved in collaborative efforts to strengthen the tracing and reunification of separated children, notably in Guinea and Sierra Leone. Although cross-border tracing and reunification was not possible for Burundian and Congolese refugee children owing to the volatile situation in their respective countries of origin, documentation, inter-camp tracing and reunification continued in the United Republic of Tanzania. Efforts were made to increase the coordination and accuracy of the databases established by the relevant organizations, together with the continued use of tools such as "photo-tracing albums" and radio broadcasts.

10. The Inter-agency Working Group on Unaccompanied and Separated Children is an initiative involving notably UNHCR, UNICEF, ICRC, IRC, World Vision and Save the Children United Kingdom. It seeks to develop capacities for a more coordinated response to the problem of separation from the emergency phase until the attainment of appropriate durable solutions. To this end, the Working Group has prepared *Guiding Principles on Unaccompanied and Separated Children: Inter-agency Standards and Policies*. A number of working meetings were held by UNHCR, ICRC and UNICEF to review various drafts of the text. This document is scheduled to be issued before the end of 2001.

11. In Liberia, Save the Children United Kingdom organized a series of training sessions within the refugee community to raise awareness about the dangers of family separations and how these can be prevented. Specific training was also carried out for adolescents on how to protect themselves better from and during separation. Adolescents are now actively involved in monitoring and reporting in this area.

12. Concerns regarding separated children remain a critical problem in the Great Lakes region of Africa. The issue was recently the subject of a regional meeting, convened by UNHCR in Dar es Salaam in April 2000. The meeting included expert presentations on new methodologies and techniques being used at the field level for tracing and reunification, including examples from the West African experience. Owing to the prevailing security situation, little progress has been made in the identification and repatriation of separated Rwandan children in the eastern part of the Democratic Republic of the Congo. However, despite the constraints posed by the continuing conflict, an average of 20 children per month are currently being reunited with their families in Rwanda.

13. Support for the reunification of separated children with their families has been strengthened and expanded in a number of countries, including Angola, Eritrea, Ethiopia, Sierra Leone, Sudan, Uganda and the United Republic of Tanzania. Similar support was also provided during the crises in Kosovo and East Timor.

B. Separated Children in Europe Programme (SCEP)

14. SCEP is a joint UNHCR and International Save the Children Alliance initiative on behalf of separated children arriving in European countries. It aims to safeguard the rights and best interests of separated children who have come to Europe by establishing a shared policy and commitment to best practice at the national and European levels. As part of this process, the Programme has strengthened partnerships with government and NGO counterparts working with separated children in European countries.

15. Activities include capacity-building and advocacy, as well as remedial actions where the rights of separated children are not fully respected. In October 2000, UNHCR and the International Save the Children Alliance revised the *Statement of Good Practice*, a key information and advocacy tool developed under the Programme, to incorporate recent developments in international law, including the adoption of the Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (see General Assembly resolution 54/263). Based on this Statement, a draft training guide was prepared and used initially in three training-of-trainers workshops.

16. Country assessments were undertaken by NGOs in western and central European countries and in the Baltic States. Summary reports of 16 western European countries were collated as a report entitled *Separated Children Seeking Asylum in Europe: A Programme for Action*. This action was officially launched in Brussels in June 2000, constituting the first attempt to gather systematic information on separated children in western Europe. The report concluded that while there are many examples of good practices in all countries concerned, the particular rights and needs of separated

children are, in general, insufficiently understood and acknowledged in most countries. Publication of the summary report for the central European countries and Baltic States is planned for 2001.

17. In 2000, there was also a first attempt to gather statistics systematically on unaccompanied and separated children in Europe. So far, 23 out of 28 European countries have submitted statistics on such children.

C. Action for the Rights of Children (ARC) training and capacity-building initiative

18. ARC is an inter-agency initiative that includes UNHCR, the Save the Children Alliance and, since 1999, UNICEF and the Office of the High Commissioner for Human Rights (OHCHR). A child rights-based training and capacity-building project, ARC aims to increase the capacity of, in particular, UNHCR, government and NGO staff to protect and care for children in emergency situations through to the durable solutions phase. ARC also plays an important role in disseminating information on experience accumulated in the protection and provision of assistance to separated children in the field. This includes comprehensive training materials, "resource packs", focusing on different aspects relating to child and adolescent rights and developmental needs. One of the resource packs, *Separated Children*, focuses specifically on issues concerning such children.

19. UNHCR headquarters and regional staff continued to play a key role in this project, which was further developed in 2000 and the first half of 2001, both in terms of geographical coverage and issues addressed. Three further training-of-trainers workshops took place in West Africa, the Great Lakes region of Africa and southern Africa. For the first time, a workshop was held in Afghanistan, in which staff of the United Nations, NGOs and the Taliban authorities participated.

20. Regional follow-up activities continued throughout the year. Among these, as the result of a meeting of experts in Turkey, a series of country studies identifying legal issues affecting children within the eastern European region was launched. Other follow-up activities included the collaboration with Save the Children United Kingdom in the training of peacekeepers and military personnel in West Africa, and the integration of ARC materials into the capacity-building initiative of the Office for the Coordination of Humanitarian Affairs (OCHA) in Angola. Also worthy of note were several regional workshops on separated children held in the Horn of Africa, East and West Africa, and the enlargement of the ARC inter-agency training team in Pakistan. An advanced training-of-trainers workshop took place in East Africa, bringing together participants of previous workshops, to evaluate progress, share experience and further develop in-country plans.

21. The resource packs were progressively finalized. With a view to making these more accessible, the materials have been included on the UNHCR web page and reproduced on CD-ROM. Wide dissemination of the CD-ROM is foreseen during the second half of 2001.

D. Convention on the Rights of the Child

22. As referred to in paragraph 15 above, by its resolution 54/263 of 25 May 2000, the General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. UNHCR was actively involved in the advocacy work during the drafting process leading to its adoption. The Optional Protocol represents an important step towards ending the use of children under the age of 18 in armed conflict. It raises the age at which direct participation in armed conflict is permitted from 15 to 18 years and establishes a ban on compulsory recruitment below 18 years. States parties are also required to make a declaration, upon ratification, regarding the age at which national forces will permit voluntary recruitment as well as the steps that States parties will take to ensure that such recruitment is never forced or coerced.

23. The Optional Protocol requires 10 ratifications to enable its entry into force. All States are encouraged to ratify the Optional Protocol so that it will be in force by the time the United Nations Special Session on Children takes place in September 2001. Currently, 80 countries have signed the Optional Protocol and four — Andorra, Bangladesh, Canada and Sri Lanka — have ratified it.

24. A second Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child

prostitution and child pornography was also adopted by the General Assembly in resolution 54/263. This Optional Protocol, welcomed by the United Nations, prohibits the use of children as forced labour and prostitutes and all forms of sexual exploitation of the child and calls on States parties to put into place the necessary legislation to render such acts criminal offences and provide appropriate sanctions under their national law.

25. In November 2000 UNHCR issued directives to its field offices in more than 120 countries, requesting them to encourage States to accede to the two Optional Protocols to the Convention on the Rights of the Child.

26. The Convention on the Rights of the Child and its Optional Protocols, in conjunction with the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 31 January 1967, as well as other relevant international and regional instruments, constitute the normative framework within which UNHCR bases its activities for providing international protection and assistance to refugee children and other children of concern to the Office.

E. Internally displaced children

27. Despite growing awareness about the plight of internally displaced persons, greater attention still needs to be paid to the especially vulnerable among them. There are large numbers of children who have special protection and assistance needs, such as children separated from their families as a consequence of forced displacement.

28. The establishment of the Senior Inter-Agency Network on Internal Displacement in September 2000 was an encouraging step. The Network, which has undertaken missions to Afghanistan, Angola, Burundi, Eritrea and Ethiopia to review the inter-agency response in these countries, has focused increased attention on the situation of internally displaced children. The Network has recently been superseded by a unit for internally displaced persons coordination, which is still an Inter-Agency Network, but attached to OCHA. The unit is to undertake systematic reviews of selected countries to assess international efforts to meet the protection and assistance needs of internally displaced persons and to make recommendations for improved response. These needs should include those of displaced children.

29. The overall framework for the inter-agency response to internally displaced persons and, consequently, for the activities of the Network (now the unit), is provided by the Guiding Principles on Internal Displacement (see E/CN.4/1998/53/Add.2, annex). The Guiding Principles, which are based on human rights law, including the Convention on the Rights of the Child, and international humanitarian law, restate the relevant norms in all phases of internal displacement and pay special attention to the needs of internally displaced children. These principles are becoming increasingly recognized as a useful and important tool for the protection of the internally displaced. The attention paid by the Security Council and by regional organizations to the situation of displaced children is important for maintaining political momentum in support of these issues.

30. The Representative of the Secretary-General on internally displaced persons continues to pay special attention to the particular needs of internally displaced children, as requested by the General Assembly and the Commission on Human Rights. In particular, the Representative's field missions, such as those to Angola and Georgia (E/CN.4/2001/5/Add.4-5), provided an important opportunity to advocate on behalf of internally displaced children. In addition, in May 2001, the Office of the Representative participated in the annual members' meeting of the International Save the Children Alliance. A statement was delivered on behalf of the Representative, which drew attention to the specific needs of internally displaced children. It called for more systematic monitoring and reporting on their problems, greater attention to the development of strategies for the protection of their human rights and greater resources to be allocated towards meeting these and other challenges.

F. Military recruitment

31. Unaccompanied and separated children are at particular risk of military recruitment. Most of the child soldiers are adolescents, but there are also many who are under 10 years of age. UNHCR continues to carry out advocacy at the field level against the use of child soldiers in all circumstances. For example, in Sri Lanka, UNHCR, in close collaboration with UNICEF, supports "children as zones of peace", aiming to

provide alternatives to child recruitment. In Afghanistan, UNHCR activities focusing on children include the continued monitoring, to the extent possible, of the implementation of the 1997 amnesty under which returnees, including children, are exempt from military recruitment during their first year of return. In November 2000 in Sierra Leone, UNHCR signed a sub-agreement with a local NGO, Family Homes Movement (FHM), which provides foster care and other forms of alternative care for returnee children, pending tracing and family reunification, as well as for those children unable to unite with their families or community. FHM collaborates with other organizations to provide psychosocial care, medical services, educational assistance, vocational training and apprenticeships to children in their care.

32. In Rwanda, UNICEF has been working with 49 unaccompanied children who were part of a group of insurgents that had launched an attack on that country from the Democratic Republic of the Congo. These children were placed in a camp, where UNICEF has provided basic supplies and psychosocial support and assisted with the tracing and reunification of the children with their families.

33. In July 2001, UNICEF started the repatriation and reunification of 159 Congolese children with their families in the Democratic Republic of the Congo. UNICEF has provided interim protection and care to these children since February 2001, when the Government of Uganda handed them over to the Fund. Prior to being handed over, the children had been part of a group sent by one of the Congolese rebel factions to undergo political and military training in Uganda. UNICEF and its partners have provided the children with schooling, social counselling and vocational training, while simultaneously seeking to trace their families and preparing the ground for their return to the Democratic Republic of the Congo.

G. Sexual violence, exploitation and abuse

34. Sexual violence, exploitation and abuse are strongly associated with situations of forced population movement. Unaccompanied and separated children are particularly at risk for a range of reasons, including their age and vulnerability. In some cases, boys are also victims of sexual violence. UNHCR, in collaboration with its operational partners, is seeking to address these problems through preventive measures such as education, sensitization, awareness-raising and appropriate camp layout, as well as through the provision of curative services such as health facilities for victims of violence, counselling and information and follow-up on sexually transmitted diseases and HIV/AIDS.

35. In 1995 UNHCR published *Sexual Violence against Refugees: Guidelines on Prevention and Response* to offer guidance and a useful tool to the field. For the past two years, with the support of the United Nations Foundation (which allocates Ted Turner funds), UNHCR has established multisectoral prevention and response initiatives addressing the needs of adolescent girls in Guinea, Kenya, Liberia, Sierra Leone and the United Republic of Tanzania. In addition, UNHCR and its partners have been developing programmes and activities that address prevention and response to sexual and gender-based violence in a variety of refugee settings around the world.

36. In March 2001, UNHCR convened an inter-agency lessons learned conference on prevention and response to sexual and gender-based violence. The conference gathered a range of actors from the field to share experience, collectively review progress and impact to date, identify lessons learned and plan the next steps for addressing sexual and gender-based violence in refugee and internally displaced settings. Participants included representatives from refugee communities, the UNHCR community, the protection, security and health sectors, human rights organizations, NGOs, United Nations sister agencies, government representatives, academics and interested individuals.

37. In order to reflect recent progress made in the development and application of international human rights law in addressing issues of sexual and gender-based violence, UNHCR will use the conclusions of the conference to prepare a revised version of the 1995 guidelines. In addition, the conference prepared a practical *Step by Step Guide for Protection Officers* to assist the latter in responding to incidents of sexual and gender-based violence in field operations. This protection tool complements existing guidelines dealing with sexual and gender-based violence with a specific emphasis on addressing the situation of vulnerable refugee children.

38. In support of its broader efforts to address adolescent reproductive health needs, UNHCR

received a further US$ 2 million grant from the United Nations Foundation. This grant is part of a larger contribution to UNHCR and the United Nations Population Fund, intended for a three-year multisectoral programme to strengthen the reproductive health of young people in refugee communities, especially in the area of HIV/AIDS. Projects for young people are currently being developed, focusing on prevention and care activities with an emphasis on peer education. The participation of adolescents in this programme is key to its effectiveness and consistent with the right to participation under the Convention on the Rights of the Child.

H. Strengthening the field network of UNHCR

39. UNHCR's four Senior Regional Advisers/Policy Officers for Refugee Children, covering West Africa, East Africa, the Horn of Africa, central Asia, South-West Asia, North Africa, the Middle East and eastern Europe, continued to play a vital role in the promotion of child rights-based policies, notably through ARC, and to assist in the implementation and monitoring of activities for children of concern to UNHCR. A fifth Senior Adviser, who was appointed in Brussels in September 1999, has also made a significant contribution within the framework of SCEP, in relation to separated children of concern to UNHCR in western, central and south-eastern Europe and the Baltic States. These advisers work closely with UNHCR networks and operational partner staff dealing with children's issues in their respective regions. One of the UNHCR priorities is to monitor the implementation of UNHCR policies concerning unaccompanied and separated children. The impact of the Senior Regional Advisers/Policy Officers for Refugee Children is evident in the growing collaboration between UNHCR and its partners in addressing the protection and assistance needs of refugee children. It has also increased internal and intersectoral cooperation in meeting the needs of unaccompanied and separated children.

IV. Other issues of concern

A. The girl child

40. In the case of unaccompanied or separated children, the girl child is particularly vulnerable to negligence and exploitation. Disabled girls, in particular, face the threat of being abandoned. Furthermore, many girls experience sexual exploitation and abuse and are more exposed than young males of the same age to the risk of contracting sexually transmitted diseases and HIV/AIDS. Many are also being exploited as domestic labour. Particular emphasis needs to be given to the provision of access to basic educational opportunities. It is also of crucial importance to raise community awareness about the specific problems that separated girls may face. In India, for example, discussions and campaigns have been organized on subjects such as sexual exploitation, sexual harassment, domestic violence, gender equality and the status of girl children.

41. UNHCR is currently finalizing a manual on the rights of children and women: awareness training for adult refugees. Its purpose is to raise awareness about women's and children's rights under national and international law among refugee communities. The rights awareness training for adult refugees is an important initial step towards the empowerment of women and girls and will ultimately improve their protection. This draft manual has been tested in workshops held in three field locations (Kasulu Kibondo and Ngara) in the United Republic of Tanzania with Burundian, Rwandan and Congolese refugees. Similar rights awareness workshops have been held in Kenya, Mexico and Nepal. Refugee communities in the field-testing phase have been enthusiastic about this awareness training, since it is adapted to addressing the particular problems which they face in their asylum country.

B. Adoption of separated children

42. UNHCR and a number of its partners have long advocated the policy that refugee children in an emergency context are not available for adoption. Since most unaccompanied and separated children are not orphans, they do not need to be adopted, but rather must receive suitable interim care with a view to possible reunification with their families. Staying with

relatives in extended family units is generally a better solution than uprooting the child completely. Serious efforts to trace family members are essential before a child is considered eligible for adoption and such efforts are particularly difficult, if not impossible, within the context of an emergency. Any adoption of a separated or unaccompanied child of concern to UNHCR must be determined as being in the child's best interests and carried out in accordance with applicable national and international law, notably the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and the 1994 Recommendation concerning the Application to Refugee Children and other Internationally Displaced Children. This policy is also informed by relevant provisions of the Convention on the Rights of the Child.

C. Child-headed households and self-reliance of unaccompanied and separated children

43. Unaccompanied and separated adolescents may find themselves in situations in which they have great responsibility, not only for themselves but also for other children, including younger siblings. Such child-headed households are especially vulnerable to abuse and thus require careful monitoring and protection. Access to post-primary education, vocational training and income-generating activities is key to supporting their rights and capacities and to helping them become self-sufficient. Examples of such activities are the vocational and skills-training programmes in Azerbaijan and Russia. In Ethiopia, re-registration of unaccompanied children in camps made it possible to identify those who had reached 18 years of age, so that vocational training and small enterprise resources could be provided in order to help support their transition into maturity and self-sufficiency. Nevertheless, there is still a need to develop further opportunities for post-primary education, which was, moreover, the reason why UNHCR launched the Refugee Education Trust in 2000.

V. Conclusion

44. Notwithstanding the progress recorded in meeting the basic protection and assistance needs of unaccompanied and separated refugee children by UNHCR, UNICEF, OHCHR, OCHA, ICRC, NGOs and a number of government counterparts, many of these children's basic needs remain unmet. One key challenge is the lack of adequate human and financial resources to address identified needs. Community-based strategies in addressing this issue require further emphasis and support in humanitarian interventions. Likewise, strengthened inter-agency coordination and more effective registration and tracing systems need to be pursued. In order to respond effectively to the protection needs of unaccompanied and separated children, States are urged to accede to and ratify the Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, which enhance the legal protection of refugee children against military recruitment and other forms of exploitation. Finally, increased emphasis on and commitment to monitoring of compliance and accountability for violations are crucial in order to ensure that the protection and assistance needs of unaccompanied and separated refugee children are more effectively addressed.